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Remarks/Arguments

The Office Action mailed May 13, 2003 and made final, and further the Advisory Action dated July 15, 2003 have been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-23 are now pending in this application. Claims 1-10, 12-14 and 16-23 stand rejected. Claims 11 and 15 stand objected to.

The objection to the drawings is respectfully traversed. As noted in Applicants' previous response, Figure 9 of the application as filed illustrates first and second primary fuse links connected in parallel. The Final Office Action, states however that:

Applicant's arguments are not persuasive, since the objections have been made in light of claims 6, 12, and 16, which are directed to the embodiment depicted on Fig. 1-6. In the arguments, the applicant has cited Fig. 9, which depicts embodiment claimed in claims 18-23 (i.e. double fused disconnect assembly).

Final Office Action page 9, section 9.

In response, Applicants submitted that there is no authority for the proposition that certain claims refer to certain embodiments to the exclusion of other embodiments in the application. Thus, the assertion that Claims 6, 12 and 16 are directed to the embodiment depicted in Figures 1-6 and not to the remaining Figures was respectfully traversed and was not believed to be supported by the applicable law or the present prosecution history.

The Advisory Action, in response to Applicants' position, states that:

The Applicant's assertion . . . is believed to be incorrect. If that was the case the Examiner would not have been given the right to request the Applicant under 35 U.S.C. 121 to elect a single disclosed species of the invention for prosecution on the merits. Therefore, since such authority is given to the Examiner under 35 U.S.C. § 121 the Examiner has the right to associate during examination specific

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claims or groups of claims with particular disclosed embodiments of the invention.

Advisory Action dated July 21, 2003 Continuation Sheet. The Examiner's belief is respectfully submitted to be unsupported by the text of 37 C.F.R. § 1.83(a), 35 U.S.C. § 121, or generally accepted patent practice.

37 C.F.R. § 1.83(a) states only that the drawings must show every feature specified in the claims. Rule 1.83(a) does not mandate that every claimed feature be shown in any particular one of the figures of an application, or in a selected subset of the figures in an application. As Figure 9 clearly shows the features specified in Claims 6, 12 and 16, the drawings are submitted to be in full accord with 37 C.F.R. § 1.83(a).

Applicants further note that an election of species requirement pursuant to 35 U.S.C. § 121 has not been made in the present case, and the assertion that 35 U.S.C. § 121 confers a right to associate specific claims or groups with specific figures is respectfully submitted to be inapposite to the present case.

Moreover, even if 35 U.S.C. § 121 were to be invoked, an election of species requirement has no effect on the disclosure or the figures of an application but rather pertains only to the claims. While a claim may be withdrawn on the basis that is directed to a non-elected invention, the associated figures and description are not withdrawn from the application. It is respectfully submitted that 35 U.S.C. § 121 does not entitle an Examiner to refuse to acknowledge certain figures in the application on the basis that they do not correspond to an elected species.

For the reasons set forth above, Applicants request that the objection to the drawings be reconsidered and withdrawn.

The rejection of Claims 7, 8, 18, 21 and 23 under 35 U.S.C. § 102(b) as being anticipated by Poehlman (U.S. Patent No. 3,432,789) is respectfully traversed.

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Poehlman describes a fuseholder including a cap (1) including fuse clips (10) including curved portions (15), (19) for receiving the ferrules (B), (C) of a cartridge fuse (A). The fuse clips (10) each include an end portion (21) extending from the curved portion (19). The cap (1) encloses a body (28) containing contact springs (42) therein, and the end portions (21) of the fuse clips (10) make contact with the contact springs (42) when the cap (1) is fitted onto the body (28). Drive pins (11) extend upwardly from a bottom of the fuse clips (10) into the cap (1), and a neon or incandescent lamp (22) is connected between the drive pins (11).

Poehlman therefore describes a fuseholder wherein the cap (1) is used to install and pull cartridge fuses (A) from fuse clips (10). It is evident from the figures that the Poehlman fuseholder conceals the fuses (A) from view and that the cap (1) prevents access to the fuses except through removal of the cap (1). Moreover, it is evident that the Poehlman indicator is external to the fuses (A) and is integrated into the cap (1).

Claim 7 recites a fused disconnect switch comprising "at least one switch housing assembly comprising a switch housing defining a receptacle for receiving a retractable fuse, and first and second terminal contact assemblies extending from said receptacle, wherein at least one of said first and second contact assemblies comprises a terminal stud contact assembly" and "a retractable fuse comprising a fuse housing containing a primary fuse link, and first and second fuse terminals extending from said fuse housing, said primary fuse link connected to said first and second fuse terminals, and an open circuit indication device within said fuse housing and coupled to said first and second fuse terminals," "wherein at least a portion of said retractable fuse housing is exposed from an exterior of said switch housing assembly when said retractable fuse is electrically coupled to said switch housing assembly, said retractable fuse being removably engageable with said switch housing assembly via said exposed portion."

Poehlman does not describe or suggest the retractable fuse recited in Claim 7. The housings of the Poehlman fuses are not exposed when the fuses are electrically coupled to the fuse holder, and the Poehlman fuses are not accessible or retractable when the cap is connected

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to the fuseholder to engage the fuses. Rather, the fuses may only be disengaged and removed by removing the cap. Further, the lamp (22) described by Poehlman is external to the cartridge fuses (A), and is not coupled to the ferrules of the cartridge fuses.

For the reasons set forth above, Claim 7 is submitted to be neither described nor suggested by Poehlman, and accordingly it is submitted that Claim 7 is patentable over Poehlman.

Claim 8 depends, directly or indirectly, from independent Claim 7. When the recitations of Claim 8 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claim 8 likewise is patentable over Poehlman.

Claim 18 recites a fused disconnect switch comprising "a switch housing comprising a receptacle for removable engagement with a fuse, first and second line-side contact assemblies extending from said fuse receptacle, and first and second load-side contact assemblies extending from said fuse receptacle," "wherein said fuse comprises a fuse housing, a first primary fuse link extending interior to said fuse housing between said first line-side contact assembly and said first load-side contact assembly and a second primary fuse link extending interior to said fuse housing between said second line-side contact assembly and said second load-side contact assembly."

Poehlman does not describe a fuse having a first primary fuse link extending interior to a fuse housing between a first line-side contact assembly and a first load-side contact assembly and a second primary fuse link extending interior to the fuse housing between a second line-side contact assembly and a second load-side contact assembly. Rather, in Figures 7-13, Poehlman describes a cap (51) having first and second cartridge fuses (A) received therein and engageable with a fuseholder. Each of the cartridge fuses (A) are coupled to respective line-side and load-side contact assemblies and presumably have a single respective fuse link therein. Neither of the cartridge fuses (A) are described as having more than one fuse link extending interior to a housing of the fuse, and neither of the fuses (A) include two pairs of contact assemblies.

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For the reasons set forth above, Claim 18 is submitted to be neither described nor suggested by Poehlman, and accordingly Applicants submit that Claim 18 is patentable over Poehlman.

Claims 21 and 23 depend, directly or indirectly, from independent Claim 18. When the recitations of Claims 21 and 23 are considered in combination with the recitations of Claim 18, Applicants submit that dependent Claims 21 and 23 likewise are patentable over Poehlman.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 7, 8, 18, 21 and 23 be withdrawn.

The rejection of Claims 10 and 12 under 35 U.S.C. § 103 as being unpatentable over Poehlman is respectfully traversed.

Claims 10 and 12 each depend from independent Claim 7, which for the reasons set forth above is submitted to be patentable over Poehlman. When the recitations of Claims 10 and 12 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 11 and 12 likewise are patentable over Poehlman.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 10 and 12 be withdrawn.

The rejection of Claims 1-6, 9, 13, 14, 16, 17, 19, 20 and 22 under 35 U.S.C. § 103 as being unpatentable over Poehlman in view of LeVantine (U.S. Patent No. 6,002,580) is respectfully traversed.

Poehlman is described above, and for the reasons set forth above is not believed to describe or suggest the present invention.

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LeVantine et al. describes a circuit breaker power distribution panel devoid of fuses, and is not believed to cure the deficiencies of the Poehlman reference with respect to the instant invention.

Claim 1 recites a fused disconnect switch comprising "at least one switch housing assembly configured to receive a retractable fuse," "said switch housing assembly comprising a receptacle for insertion of said retractable fuse and first and second terminal contact assemblies extending from said receptacle, wherein at least one of said first and second terminal contact assemblies comprises a bullet contact assembly," and "a retractable fuse comprising a fuse housing and a primary fuse link contained within said fuse housing, and first and second fuse terminals extending from said housing, said primary fuse link extending interior to said fuse housing between said first and second fuse terminals, and an open circuit indication device within said fuse housing and coupled to said first and second fuse terminals," "wherein at least a portion of said retractable fuse housing is exposed when said retractable fuse is inserted into said receptacle and said first and second fuse terminals are respectively coupled electrically to said first and second terminal contact assemblies, said retractable fuse being removably engageable with said switch housing assembly via said exposed portion."

As noted above, Poehlman neither describes nor suggests the disconnect switch of Claim 1. The housing of the Poehlman fuses are not exposed when the fuses are coupled electrically to the body, and the Poehlman fuses are not retractable when the cap is connected to the fuseholder to engage the fuses. Rather, the Poehlman fuses may only be disengaged and removed by removing the cap. Further, the lamp (22) described by Poehlman is external to the cartridge fuses (A), and is not coupled to the ferrules of the cartridge fuses.

LeVantine does not describe fuses and thus adds nothing to the Poehlman reference.

Collectively, the LeVantine and Poehlman references fail to teach all of the limitations of Claim 1. Claim 1 is therefore submitted to be patentable over Poehlman in view of LeVantine.

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Claims 2-6 depend from independent Claim 1, and when the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Claims 2-6 are likewise submitted to be patentable over Poehlman in view of LeVantine.

Claim 7 is submitted to be patentable over Poehlman for the reasons set forth above. LeVantine does not describe fuses and therefore is submitted to add nothing to the Poehlman reference with respect to Claim 7. Claim 7 is therefore submitted to be patentable over Poehlman in view of LeVantine.

Claim 9 depends from independent Claim 7, and when the recitations of Claim 9 are considered in combination with the recitations of Claim 7, Applicants submit that Claim 9 is likewise patentable over Poehlman in view of LeVantine.

Independent Claim 13 recites a fused disconnect switch comprising "at least one switch housing assembly comprising a housing defining a receptacle for receiving a retractable fuse, and first and second terminal contact assemblies extending from said receptacle, wherein one of said first and second contact assemblies comprises a bullet contact assembly and one of said first and second contact assemblies comprises a terminal stud contact assembly," and "a retractable fuse removably engagable to said fuse receptacle; said retractable fuse comprising a fuse housing, and first and second fuse terminals extending from said fuse housing, and a primary fuse link and an open fuse indication device each extending interior to said fuse housing and coupled to said first and second terminals," "wherein at least a portion of said fuse housing is exposed to an exterior of said fuse receptacle when said retractable fuse is connected to said switch housing assembly."

For the reasons set forth above, Poehlman does not describe or suggest a retractable fuse as recited in Claim 13. The housing of the Poehlman fuses are not exposed when the fuses are connected to the body and the Poehlman fuses are not retractable when the cap is connected to the fuseholder to engage the fuses. Rather, the fuses may only be disengaged and removed by removing the cap. Further, the lamp (22) described by Poehlman is external to the cartridge

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fuses (A), and is not coupled to the ferrules of the cartridge fuses. LeVantine does not describe fuses and is submitted to add nothing to the Poehlman reference with respect to Claim 13.

Collectively, the Poehlman and LeVantine references fail to teach each limitation of Claim 13. Claim 13 is therefore submitted to be patentable over Poehlman in view of LeVantine.

Claims 14, 16, and 17 each depend from independent Claim 13, and when the recitations of Claims 14, 16, and 17 are considered in combination with the recitations of Claim 13, Claims 14, 16 and 17 are likewise submitted to be patentable over Poehlman in view of LeVantine.

Independent Claim 18 is submitted to be patentable over Poehlman for the reasons set forth above. LeVantine does not describe fuses and therefore is submitted to add nothing to the Poehlman reference with respect to Claim 18.

Collectively, the Poehlman and LeVantine references fail to teach each limitation of Claim 18. Claim 18 is therefore submitted to be patentable over Poehlman in view of LeVantine.

Claims 19, 20, and 22 each depend from independent Claim 18, and when the recitations of Claims 19, 20, and 22 are considered in combination with the recitations of Claim 18, Claims 19, 20, and 22 are likewise submitted to be patentable over Poehlman in view of LeVantine.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-6, 9, 13, 14, 16, 17, 19, 20 and 22 be withdrawn.

The objection to Claims 11 and 15 as being dependent upon rejected base claims is respectfully traversed. For the reasons set forth above it is submitted that the respective base claims (Claims 7 and 13) are patentable over the cited art. Applicants accordingly request that the objection to Claims 11 and 15 be withdrawn.

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In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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